

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SOLOMON NWOKO,

Plaintiff,

v.

MURPHY OIL USA, INC.,

Defendant.

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**CIVIL ACTION NO. _____
(JURY DEMANDED)**

**Removed from the District Court of
Harris County, Texas, 151st Judicial
District, Cause No. 2020-69414**

DEFENDANT’S NOTICE OF REMOVAL

Defendant Murphy Oil USA, Inc. files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, Federal Rule of Civil Procedure 81, and Local Rule LR 81, and in support thereof respectfully show the Court as follows:

BACKGROUND AND BASES FOR REMOVAL

1. On October 28, 2020, this action was commenced in the 151st Judicial District Court, Harris County, Texas, entitled *Solomon Nwoko v. Murphy Oil USA, Inc.*, with the assigned Cause No. 2020-69414.

2. Defendants were served with suit on November 6, 2020.

3. Defendants filed their Original Answer on November 30, 2020.

4. The action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1332(a) in that it is a civil action between citizens of states other than Texas and citizens or subjects of a foreign state, and the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs. Plaintiff’s claims are based on alleged injuries suffered

by Plaintiff Solomon Nwoko, who has asserted claims of negligent hiring, supervision, training and retention and assault.

5. Plaintiff's Original Petition states that he is a resident of Harris County, Texas. *See* Plaintiff's Original Petition at page 1.

6. Plaintiff claims the incident which gave rise to this action occurred within Harris County, Texas. *See* Plaintiff's Original Petition at page 1.

7. Plaintiff seeks monetary relief of over \$1,000,000.00. *See* Plaintiff's Original Petition at p. 3.

8. Murphy Oil USA, Inc. is named as a defendant to the state court action. Murphy Oil USA, Inc. was at the time of the filing of this action, and still is, a citizen of Arkansas, being incorporated under the laws of the State of Delaware and having its principal place of business in the State of Arkansas.

9. Defendant was served with Plaintiff's Original Petition and citation on November 6, 2020, and is removing this case within the 30 day period stipulated by the rules. Therefore, removal is timely under 28 U.S.C. § 1446(b)(2)(B).

10. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this judicial district.

NOTICE TO STATE COURT AND ADVERSE PARTIES

11. Pursuant to 28 U.S.C. § 1441(d), Defendant states that, concurrently with filing this Notice of Removal, they have filed Notice of the same with the Clerk of the 151st Judicial District Court in Harris County, Texas, where the state court action is pending.

ADDITIONAL MATTERS

12. Pursuant to Local Rule LR 81 and 28 U.S.C. §1446(a), Defendant respectfully provides the following additional information:

1. An index of matters being filed;
2. All executed process in the case (Exhibit A);
3. Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings (Exhibit B);
4. All orders signed by the state judge (Exhibit C);
5. The docket sheet (Exhibit D);
6. A list of all counsel of record, including addresses, telephone numbers and parties represented (Exhibit E).

WHEREFORE, Defendant requests that this action be removed from the 151st Judicial District Court in Harris County, Texas to the United States Court for the District of Texas, Fort Worth Division, and for such other relief as this Court may deem necessary and appropriate.

Respectfully submitted,

/s/ Jennette E. DePonte
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2020, I electronically filed the foregoing ***Defendant's Notice of Removal*** with the Clerk of the Court for the Southern District of Texas, using the CM/ECF system which will send notification of such filing to all counsel of record:

VIA E-FILE

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ATTORNEYS FOR PLAINTIFF

/s/ Jennette E. DePonte

Jennette E. DePonte